*__THE HONOURABLE SRI JUSTICE V.V.S.RAO__

+WRIT PETITION NO.21801 OF 2006

% 26.10.2006

Badugu Purnachandrasekhara Rao, S/o.Badugu Sundara Rao
...PETITIONER

Vs.

$ The Principal Secretary to Government of Andhra Pradesh,
Revenue (ASN.V) Department, Secretariat, Hyderabad
AND OTHERS

...RESPONDENTS

! COUNSEL FOR PETITIONER: MR. O.MANOHER REDDY

^ COUNSEL FOR RESPONDENTS: ASSISTANT GOVERNMENT PLEADER
FOR REVENUE (ASSIGNMENT)

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>HEAD NOTE:

? CASES REFERRED:

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21801 of 2006

26.10.2006

Between:

Badugu Purnachandrasekhara Rao, S/o.Badugu Sundara Rao
… Petitioner

AND

The Principal Secretary to Government of Andhra Pradesh,
Revenue (ASN.V) Department, Secretariat, Hyderabad
And others
… Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21801 of 2006

ORDER:

The land admeasuring Acs.2.30 cents in survey No.731/15 situated at Alluru Village of P.V.Palem Mandal in Guntur District was assigned to one Badugu Sundara Rao, father of the petitioner. The assigned land was sold to Yallavula Subba Rao under an agreement of sale. Therefore, action was initiated under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and by proceedings dated 06.8.2001, the fourth respondent resumed the land to the Government duly cancelling the assignment. The petitioner who is one of the three sons of original assignee made an application to fourth respondent for restoration of 1/3rd share of the land to the petitioner. The same was denied. Therefore, the petitioner filed appeal before the third respondent for restoration of the land. The third respondent by an order dated 12.3.2004 held that the petitioner is entitled for 1/3rd share of the land. Aggrieved by the same, the petitioner filed further appeal before the second respondent, who by an order dated 05.8.2006 in Appeal Case No.1 of 2005 rejected the claim

on the ground that the land is covered by fish tank and does not suitable for cultivation. The petitioner, therefore, filed a revision petition before the Government i.e., the first respondent. The first respondent by a letter dated 12.10.2006 informed the petitioner that he is required to approach next appellate authority for redressal of his grievance. Aggrieved by the same, the present writ petition is filed.

Learned Counsel for the petitioner placed reliance on Section 4-B of the Act in support of the contention that when once an order is passed by Joint Collector (District Collector), revision would lie only to the Government and the Commissioner of Land Revenue has no role to play.

Sections 4-A and 4-B(1) of the Act read as under.

4-A. Appeal:-

(1) Any person aggrieved by an order passed by the Mandal Revenue Officer under sub-section (1) of Section 4, may, within ninety days from the date of receipt by him of such order appeal to the Revenue Divisional Officer.

(2) Any person aggrieved by an order passed by the Revenue Divisional Officer under sub-section (1) of Section 4, may, within ninety days from the date of receipt by him of such order appeal to the District Collector.

4-B. Revision:-

(1) The District Collector may in respect of any proceeding not being a proceeding covered by sub-section (2) of Section 4-A on an application made to him and the Government may in respect of any proceedings either *suo motu* or on an application made to them, call for and examine the record of any officer subordinate to him or them to satisfy himself or themselves as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order taken or passed therein, and if in any case, it appears to the District Collector or as the case may be to the Government that any such decision or order should be modified, annulled, reversed or remitted for re-consideration, they may pass orders accordingly:

Provided that every application for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

A plain reading of the above two provisions would show that (1) whenever a person is aggrieved by an order passed by Mandal Revenue Officer (MRO) under Section 4(1) of the Act resuming the

land to the Government, an appeal would lie to the Revenue Divisional Officer (RDO) having jurisdiction; (2) If an adverse order is passed by the appellate authority, aggrieved person can prefer further appeal to the District Collector (Joint Collector) within ninety days from the date of receipt of copy of the order of the first appellate authority; and (3) Even after the order of the Joint Collector, an aggrieved person can make an application to the Government for revision, when the Government can examine the regularity, correctness, legality or propriety of the order passed by the Joint Collector or by any other authority subordinate to the Government. The Commissioner of Land Revenue or any other authority has not been conferred with any revisional jurisdiction against the order of the Joint Collector. The legal position is not seriously disputed or denied.

In view of the same, the writ petition is allowed. The impugned order is set aside and the matter is remitted to the first respondent to entertain the revision filed by the petitioner on 27.8.2006 and pass appropriate orders on merits, after giving an opportunity to the petitioner. There shall be no order as to costs.

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October 26, 2006. (**V.V.S.RAO, J**)

NOTE:

LR Copy be marked.

Issue order copy today.

(By order)YS